THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 4655 of 2004

DATED: 01-08-2007

Between:

Eedulakanti Manohar Reddy s/o Venkatreddy, aged 74 years, occ: Agriculture, R/o Raikal (v) Saidapur (M), Karimnagar District and 6 others.

..PETITIONERS

And

Government of India, Ministry of Home Affairs, (Freedom Fighters Division), Loknayak Bhavan, New Delhi.

…RESPONDENT

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 4655 of 2004

O R D E R

Petitioners herein claim to be freedom fighters having participated in the Freedom Movement for the liberation of the Nizam State and its merger into the Union. Petitioners would contend that they are entitled for certain benefits under the 'Swatantra Sainik Samman Pension Scheme, 1980.' Petitioners would submit that the respondent had rejected their applications on 06-01-1984 stating that it was belatedly received after the due date dated 31-03-1982 and that this reason was not correct as the Government itself had relaxed and entertained their applications. It is also stated that the respondent had directed the Government of A.P. in the month of April, 2000 to verify the documents and report to the Ministry for taking further action. Thereafter the Government of A.P. had verified the documents conducting an enquiry and had forwarded their applications to the respondent. Petitioner would state that, since the applications had been enquired into and verified by the State Government and had thereafter been forwarded to the Central Government, the respondent ought to have considered their applications in accordance with the scheme formulated in 1980.

Sri A. Rajashekar Reddy, learned Assistant Solicitor General,

submits that the procedure prescribed under the scheme required the applications to be first submitted to the State Government for its scrutiny and verification and only thereafter could the matters have been referred to the Central Government. Learned counsel would submit that mere forwarding of an advance copy of the application directly to the Central Government would not amount to compliance with the requirements of the scheme.

The averments in the affidavit would show that the petitioners' applications had been scrutinized and verified by the State Government. In any event, this fact cannot be ascertained in the absence of a counter-affidavit being filed by the respondent. Ends of justice would be met if the respondent is directed to consider the petitioners' applications under the 'Swatantra Sainik Samman Pension Scheme 1980", in case the procedural requirements of the scheme are complied with, and pass necessary orders thereupon in accordance with law within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. However, in the circumstances, without costs.

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RAMESH RANGANATHAN, J

Dated: 01-08-2007
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